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May 9, 2013

Via Email at ForrestNYSDChambers@nysd.uscourts.gov

Hon. Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street, Room 745
New York, New York

Re: Mintz & Gold LLP v. Alfredo Joseph Battaglia
Case Number 13 CV 0512

Dear Judge Forrest:

This firm is the *pro se* plaintiff in this action to confirm an arbitration award in its favor and against defendant Alfredo Joseph Battaglia. Defendant's request to adjourn the May 14, 2013 pre-trial conference until July 8, 2013 should be denied. Indeed, we believe his request is nothing more than a continuation of his dilatory tactics to obfuscate the legal process. The defendant has failed to appear at the April 17, 2013 pre-trial conference in this action despite numerous attempts to notify him of the pre-trial conference. In fact, on multiple occasions this firm notified defendant of the pre-trial conference by email, voicemail and mail. Despite these multiple attempts, defendant failed to request an adjournment or appear at the duly noticed pre-trial conference. Indeed, defendant rejected service of the pre-trial conference notices and attempts to enter into a joint scheduling order. Moreover, defendant previously failed to appear at the underlying duly noticed arbitration proceedings three times.

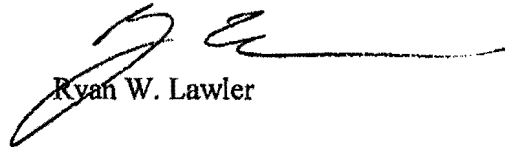
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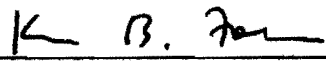
Your Honor's April 17, 2013 Order states that "should defendant fail to appear at that conference, the Court will take appropriate action, including the possibility of default judgment." Accordingly, we respectfully request that this Court deny defendant's request for an adjournment of the May 14, 2013 pre-trial conference and enter a default judgment against defendant should he fail to appear at the pre-trial conference.

Respectfully submitted,



Ryan W. Lawler

cc: Alfredo Joseph Battaglia
(Via Email and US Mail)

ORDERED
Post on Docket 5/13/13

Katherine B. Forrest, USDJ